FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2207 OF 2006

Chandrashekhar Kashinath Limaye. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.P.B.Shah, Advocate for the Applicant.
Ms. S.V.Gajare, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 28/7/2006.

P.C.

1. This is an application for grant of anticipatory bail. The applicant is shown as an accused in C.R.No.I-74/2006 registered by Bhayander Police Station, Dist. Thane. This is very serious incident where on account of dispute relating to property, two unknown persons are said to have fired revolver at the complainant. The complainant has been lucky to escape and the bullets which were fired passed through the car of the window. The present applicant is the second accused in the said case. This is the second crime which has been registered against him on the complaint of Mr. Sanjay Punmiya who claims to be the owner of the land. It is seen that in the first complaint which resulted in C.R.No.67/2006 registered for alleged offences under Section-467, 468, 471, 420, 387, 507, 506 read with 34 of the I.P.C. and under Section 81, 82 of

the Registration Act. There are direct allegations against the present applicant and it is stated in the said F.I.R. that the present applicant had threatened to kill the complainant. The threats which were given by the present applicant also find place in the F.I.R. relating to the present crime. In the reply filed by the State, it is stated that after I had refused anticipatory bail to accused No.1, revision came to be filed in this court for quashing the investigation. That was mentioned by production of papers at about 1.45p.m. and an order not to arrest the applicant was taken. This order was not served upon police till 10.7.2006 and therefore, the police relying upon the rejection of anticipatory bail and without knowledge of the order said to have been passed by this court on 7.7.2006 arrested the accused No.1 and produced him before the Magistrate and obtained remand. Now contempt proceedings are initiated against the police officers for flouting the orders of the court dated 7.7.2006 which were not served upon the concerned police station. Be that as it may, that matter will be decided on its own merits. However, it is clear that the investigation by the police is clearly hampered though the anticipatory bail was refused to accused No.1. In my view, there is some material against the present applicant in the form of threats to kill which has been

recorded in both the F.I.R.s dated 16.7.2006 as well as in the present F.I.R. by the complainant. This is not a fit case for grant of anticipatory bail. Hence, application is rejected.

(R. S. MOHITE, J.)